IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.88 OF 2004

IN

CHAMBER SUMMONS NO.259 OF 2003

IN

EXECUTION APPLICATION NO.421 OF 2002

IN

SUMMONS FOR JUDGMENT NO.1065 OF 2001

IN

SUMMARY SUIT NO.181 OF 2001

Mrs Neela N. Mehta and anr. ...Petitioners

v/s

Geetadevi K. Sharma and ors. ...Respondents

Mr G.H. Shukla for Petitioners.

Mr S.K. Chausiya i/b Mr A.M. Saraogi for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 12TH MARCH 2007.

P.C. :-

1. The learned counsel appearing for respondents admits that attachment came to be levied second time in relation to the same movable articles by mistake and that seeking attachment of the same articles second time was in violation of the earlier order made by the Court. He submits that the respondents have tendered unconditional apology and they have also conceded before the learned Single Judge when chamber summons No.626 of 2004 was taken up for hearing. I have heard learned counsel appearing for the petitioners also. It is clear that the respondents have secured an order of attachment in violation of the earlier order made by the Court and they had done it without taking proper care but since they have tendered unconditional apology and since they were ill-advised by the lawyer, in my opinion, it will be appropriate to accept apology tendered by the respondents. The apology tendered by the respondents is therefore accepted. Contempt petition is disposed off, however, the respondents are directed to pay Rs.10,000/- as and by way of cost to the petitioners within four weeks from today.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as

true copy.

. Certified copy expedited.